

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JAMES SHEPHERD, Trustee for the JAMES B.
SHEPHERD TRUST, et. al.,

Plaintiffs,

v.

ENVIRONMENTAL PROTECTION AGENCY,
et. al.,

Defendants.

Civil Action No. 4:23-CV-826-P

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' AMENDED MOTION
FOR PRELIMINARY INJUNCTION**

COME NOW Defendants and, pursuant to the Court's Order, file this response to Plaintiffs' Amended Motion for Preliminary Injunction and state as follows:

For the reasons set forth in Defendants' contemporaneously filed Memorandum in Support of Response in Opposition to Plaintiffs' Motion for Preliminary Injunction, Plaintiffs have failed to meet their burden of proof to obtain preliminary injunctive relief. Specifically, Plaintiffs have failed to demonstrate a likelihood of success on the merits or that they will suffer irreparable harm if preliminary injunctive relief is not granted. Likewise, Plaintiffs have failed to demonstrate that the public interest and the balance of equities favor an injunction. Therefore, Plaintiffs' Motion should be denied.

Accordingly, EPA respectfully requests that Plaintiffs' Amended Motion for Preliminary Injunction be denied.

TODD KIM
Assistant Attorney General
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Certificate of Service

On August 31, 2023, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Mark L. Walters
Mark L. Walters
Trial Attorney